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REMARKS

The Examiner has rejected each of existing independent Claims 1 and 14 on the basis of obviousness in view of three applied references, namely Kim et al. (U.S. patent No. 6,456,652), Taylor et al. (U.S. patent No. 4,859,933) and McGill (U.S. patent No. 6,285,339). By way of the amendments now made to each of independent Claims 1 and 14, Applicant respectfully submits that the Examiner's rejection of Claims 1 to 7, 9, 10, 14, 15 and 17 is traversed for the reasons which follow.

The present invention as respectively recited in each of amended Claims 1 and 14 relates to an apparatus and method for evaluating a location for a fixed subscriber communication site wherein wireless communication signals are transmitted between a base station and the fixed subscriber communication site. It is explicit from both the claims and specification of the present application that adjustments are made to the physical orientation of an antenna which is positionable at the location of the fixed subscriber communications (for instance by way of adjustments to pan, tilt, height or polarity). These adjustments are made at the location of the fixed subscriber site, and not at the location of the base station, in order to arrive at an evaluation of the fixed subscriber location. In contrast to this, the main reference used by the Examiner, namely Kim et al., makes all adjustments at the base station so as to optimize the coverage area serviced by the base station (Column 1, lines 13 to 19). There is therefore no teaching or suggestion of making any physical changes to an antenna associated with a fixed subscriber communications site. Although Kim teaches that a mobile station receives the test communication signals in a specific region of a cell area to be serviced by the base station, the mobile station in question merely measures signal quality parameters and it is quite clear that any physical adjustments are restricted to the base station equipment (Column 2, lines 3 to 8 and lines 12 to 14). When Kim speaks of adjusting "the tilt and/or azimuth of the antenna in the service cell" (Column 5, at line 10), this is clearly a reference to making adjustments to the base station antenna. Likewise, when Kim speaks of adjustments in relation to the "antenna in the neighbouring base station's service cell" (Column 5, at lines 12 to 14), it is the base station of an adjacent service cell that is being targeted for adjustment. Thus, there is never any manipulation or adjustment of any kind to the physical antenna characteristics of a subscriber station in the

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teachings of Kim, which are directed to an entirely different purpose and goal than is the present invention. To further clarify this distinction, independent Claims 1 and 14 have been amended to specify that adjustments to the orientation of the antenna in question is made at the location of the fixed subscriber communication site.

For the same reasons as set out above, the Examiner's various rejections to Claims 8, 11, 12, 13 and 16 are also respectfully traversed as these are all based on the same primary reference, Kim et al.

Next, the Examiner rejected Claim 18 on the basis of four references, once again with Kim et al. being the primary reference. As with independent Claims 1 and 14, Claim 18 has been amended to delete that the method in question is one of simulating ambient atmospheric and meteorological conditions and this language has been replaced by a recitation that the method is one for evaluating a location for a fixed subscriber communications site. As well, amendments to this claim now make it clear that the antenna in question is positionable at a location for the fixed subscriber communications site, and that adjustments to the physical orientation of the antenna in question occur at said location. For the reasons previously expressed, it is submitted that the Examiner's rejection of Claim 18 has now been traversed by way of these amendments.

Lastly, the Examiner objected to Claim 3 on the ground of informality. The Examiner takes the position that the term "wireless communication signals" as used in Claim 1 indicates a downlink whereas the language used again in dependent claim 3 indicates an uplink situation. Applicant submits respectfully that no correction is required on account of the language used, in that Claim 1 clearly speaks to communication signals which are transmitted between a base station and a fixed subscriber communication site, with no particular direction being specified. It is therefore Applicant's submission that the language of Claim 1 supports either a downlink or uplink context, as both situations involve communications "between" a base station and a subscriber station. For this reason, it is believed permissible for the language of Claim 3 to further specify that an uplink context is being recited for this dependent claim.

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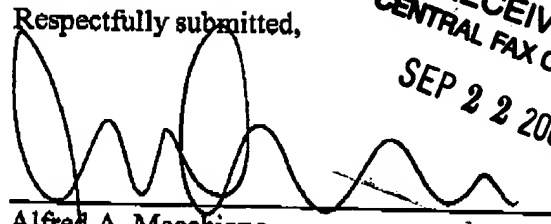
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By way of the present amendments, this application is believed to be in condition for allowance and such action in due course is earnestly solicited.

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Date

Respectfully submitted,



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